

Appl. No. : 10/018,637  
Filed : June 7, 2002

## REMARKS

In response to the Office Action mailed October 19, 2004, Applicant has amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

### Discussion of Claim Amendments

Claims 2, 8-9, 11-12, 14, 16, and 18-20 have been cancelled. Claim 1 has been amended. Upon the entry of the amendments, Claims 1, 3-7, 10, 13, 15 and 17 are pending in this application. The amendments to Claim 1 are supported, for example, by Figures 1-3. Therefore, the amendments to the claims do not introduce any new matter. Entry of the amendments is respectfully requested.

### Discussion of Rejection of Claims under 35 U.S.C. § 102(b)

Claims 1, 4-7, 9 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yarger (U.S. Patent No. 5,360,414). However, all pending Claims 1, 3-7, 10, 13, 15 and 17 are allowable over the prior art reference as discussed below.

Amended Claim 1 recites, among other things, that a plurality of grooves are provided at the tip end portion, *each individual groove* of the plurality of grooves, corresponding to each of said through-hole rows, communicates with a plurality of said through-holes for draining at side surfaces of said through-holes for draining along a direction in which said through-hole row extends *whereby every through-hole communicates with at least one other through-hole via a groove*. In the claimed invention, a plurality of through-holes are provided in each single groove, and all the through-holes in the same row communicate with each other via the same groove. Furthermore, in the claimed invention, since all the through-holes in the same row communicate with via the same groove, all of the through-holes of the same row *intersect with each individual groove*. However, Yarger does not disclose the above-indicated features.

Yarger discloses that each hole (28b in Figure 1 and 28d in Figure 2) intersects with two external lumens (26). *See Figures 1 and 2*. Yarger also discloses that each hole (28b in Figure 6 and 28 in Figure 7) intersects with three external lumens (26). *See Figures 6 and 7*. Thus,

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Yarger does not disclose that *each individual groove* of the plurality of grooves, corresponding to each of said through-hole rows, communicates with *a plurality of said through-holes* (all of the through-holes of the same row *intersect with each individual groove*).

Furthermore, Yarger discloses that the external lumens (26) intersecting with holes (28c) do not intersect with any of the other sets of holes (i.e., 28a, 28b, or 28d), and the lumens (26) that intersect with holes (28d) do not intersect with any of the other sets of holes (i.e., holes 28a, 28b, or 28c). See column 6, lines 4-9 and Figures 1 and 6. That is, in Yarger, neither of the holes (28c) and the holes (28d) communicate with any other holes via a groove. In contrast, in the claimed invention, *every groove* communicates with a *plurality* of through-holes.

In view of the above, Applicant respectfully submits that Yarger does not disclose all of the limitations of Claim 1, as amended. Thus, Yarger does not anticipate amended Claim 1. According to one embodiment of the claimed invention, even when a through-hole at the distal end of the tip end portion is occluded by body issue or the like, fluids can be drained through the groove to another through-hole and into the inner side of the tip end portion, since all the through-holes in the same row communicate via the same groove. In view of the above, Applicant respectfully submits that Claim 1, as amended, would not have been made obvious over Yarger, either.

Claims 3-7, 10, 13, 15 and 17 depend from base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of their additional technical features, the dependent claims are patentable over the prior art reference. Withdrawal of the rejections is respectfully requested.

#### **Discussion of Rejection of Claims under 35 U.S.C. § 103(a)**

Claims 2, 8-9, 16, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarger in view of Ruzicka, et. al (U.S. Patent No. 4,950,232). Claims 3, 10, 13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarger in view of Hideki, et. al (JP 08-266616). Claims 8, 11, 14, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarger in view of Ruzicka and in further view of Hideki. In order to expedite the prosecution of the application, Applicant has cancelled the rejected claims.

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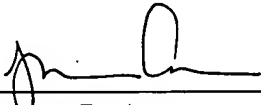
**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. If the Examiner has any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the indicated telephone number.

Respectfully submitted,

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Dated: 2/18/05

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